

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
JOSHUA ADAM SCHULTE,

Plaintiff,

-V.-

BUREAU OF PRISONS,

Defendant.  
:  
-----X

ORDER PURSUANT TO  
RULE 16(b)(1)(A)

: 20 Civ. 2795 (PGG) (GWG)

GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE

This matter has been referred to the undersigned for general pretrial purposes. The defendants have moved for a stay of discovery (Docket # 75) but provide arguments only as to why the claims against the individual defendants will be dismissed. No argument is provided as to why the claim against the United States under the Federal Tort Claims Act (FTCA) will be dismissed. The plaintiff's opposition brief (Docket # 86) specifically notes that there is no reason to stay discovery in light of the pendency of the FTCA claim. The defendants' response (Docket #89) simply ignores this argument. Accordingly, the request to stay discovery (Docket # 75) is denied.

The parties are directed to prepare a discovery plan. The Clerk will send a copy of this Order to plaintiff. The attorney for defendants is directed to contact plaintiff by telephone within 30 business days for purposes of creating the discovery plan. See Fed. R. Civ. P. 26(f). The plan should contain the following elements:

1. A deadline by which all documents requests and initial interrogatories must be served.
2. The deadline for the disclosures of the identities and reports of experts, if any, as required by Rule 26(a)(2)(A) and (B).
3. The deadline for the disclosure of identities and reports of any expert intended by an opposing party solely to rebut previously-disclosed expert evidence.
4. A date by which all discovery must be completed.

The parties are free to include additional elements in the plan if they wish. Also, the parties are encouraged to discuss settlement during the telephone conference. If both parties wish the Court to refer the case for mediation or if a telephone conference is needed for any purpose, they may so request in the discovery plan.

Counsel for defendants is responsible for filing the plan with the Court on or before May 18, 2022. If the parties disagree over the terms of the plan, the disagreement may be noted in the plan itself. In the alternative, plaintiff may respond by sending a letter to the Court within 14 days of the filing of the plan. Following receipt of any proposed plan, the Court will issue a scheduling order.

Finally, the Court notes that each party must immediately inform the Court of any change in that party's address or telephone number in the future. If a party fails to do so, the case may be dismissed or a default entered.

Please be aware that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance in connection with court procedures.

Dated: New York, New York  
April 18, 2022

SO ORDERED:

  
\_\_\_\_\_  
GABRIEL W. CORENSTEIN  
United States Magistrate Judge